

City of Pico Rivera

Municipal Code

Title 16 ENVIRONMENT

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**Chapter 16.04 STORM WATER AND URBAN RUNOFF POLLUTION PREVENTION**

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#### **16.04.010 Purpose and intent.**

The purpose of this chapter is to protect and improve water quality of receiving waters by:

1. Reducing illicit discharges to the municipal storm water system to the maximum extent practicable;
2. Eliminating illicit connections to the municipal storm water system;
3. Eliminating spillage, dumping, and disposal of pollutant materials into the municipal storm water system; and
4. Reducing pollutant loads in storm water and urban runoff, from land uses and activities identified in the municipal NPDES permit.

The provisions of this chapter are adopted pursuant to the Federal Water Pollution Control Act, also known as the "Clean Water Act," codified and amended at 33 U.S.C. 1251 et seq.

The intent of this chapter is to enhance and protect the water quality of the receiving waters of the United States in a manner that is consistent with the Clean Water Act and acts amendatory thereof or supplementary thereto; applicable implementing regulations; the Municipal NPDES permit, and any amendment, revision, or re-issuance thereof. (Ord. 989 § 1 (part), 2002)

#### **16.04.020 Definitions.**

For the purpose of the provisions of this chapter concerning water quality hereinafter set forth, the following words and phrases shall be construed to have the meanings set forth, unless it is apparent from the context that a different meaning is intended:

"Best management practice" or "BMP" means any program, technology, process, siting criteria, operating method, measure, or device which controls, prevents, removes, or reduces pollutants in storm water and non-storm water runoff.

"Clean Water Act" means the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, et seq.

"Commercial facility" means restaurants, automotive service facilities, automotive dealerships, and retail gasoline station outlets or any other definition provided in the municipal NPDES permit or Storm Water Quality Management Plan.

"Executive officer" means executive officer of the California Regional Water Quality Control Board, Los Angeles.

"Illicit connection" means any device through or by which an illicit discharge is conveyed into the municipal storm water system without a permit, including but not limited to floor drains, pipes or any fabricated or natural conduits, excluding roof drains which convey only storm water.

"Illicit discharge" means the entry of any material other than storm water unless such discharge is exempted under the municipal NPDES permit, is allowed under a separate NPDES permit, including but not limited to a point source permit, a general industrial activity storm water permit, or a general construction activity storm water permit, or is allowed by the executive officer.

"Industrial activity" means any of the ten classifications of industrial facilities specified in 40 Code of Federal Regulations § 122.26(b)(14), defined by Standard Industrial Classification (SIC) and which is required to obtain a NPDES permit, not including construction activities.

"Maximum extent practicable" means, within the context of BMP selection, choosing effective BMPs, and rejecting applicable BMPs only (i) where effective BMPs will serve the same purpose, (ii) the BMPs would not be technically feasible, or (iii) the cost would be prohibitive.

"Municipal NPDES permit" means California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County

of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach, and any amendment thereto or re-issuance thereof.

“Municipal separate storm sewer system” (referred to herein as “MS4”), means those facilities within the city by which storm water discharge is conveyed to waters of the United States, including but not limited to flood control channels, roads with drainage systems, alleys, streets, catch basins, grates, inlets, curbs, gutters, ditches, storm drains, canals, pipes, and fabricated and natural channels.

“Non-storm water discharge” means any fluid discharge to the storm drain system and/or receiving waters that is not composed entirely of storm water but may not necessarily be an illicit discharge.

“NPDES” or “National Pollutant Discharge Elimination System” means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., that authorizes discharges to waters of the United States.

“Owner” as applied to a building or real property, means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or real property.

“Person” means, within the context of this chapter, any natural person, firm, association, organization, partnership, business trust, corporation, or company.

“Pollutant” means the same as it is defined in California Water Code § 13373 and includes but is not limited to garbage, debris, lawn clippings, leaves, fecal waste, biological waste, sediment, sludge, manure, fertilizers, pesticides, oil, grease, gasoline, paints, solvents, cleaners, and any fluid or solid containing toxic or non-toxic chemicals, metals, including batteries.

“Receiving waters” means rivers, lakes, oceans, or other bodies of water that receive runoff.

“Redevelopment” means land-disturbing activity that results in the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional board” means the appointed members of the California Regional Water Quality Control Board, Los Angeles Region.

“Runoff” means the portion of rainfall or irrigation water or other water activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

“State board” means the State Water Resources Control Board of the California Environmental Protection Agency (hereinafter “SWRCB”).

“Storm water runoff” means any surface water flow produced by rain or snow melt.

“Storm water quality management program” means the Los Angeles Countywide Storm Water Quality Management Program, which includes descriptions of programs, collectively developed by the permittees in accordance with provisions of the NPDES permit, to comply with applicable federal and state law, as the same is amended from time to time. (Ord. 989 § 1 (part), 2002)

#### **16.04.030 Illicit discharges, dumping, and non-storm water discharges.**

A. No person shall cause or allow an illicit discharge to enter the municipal storm water system.

- B. No person shall place, dump, dispose, litter, accumulate, maintain, discharge, or cause to enter into the MS4, any pollutant or any foreign object such as batteries, tires, waste receptacles, yard debris, refuse, rubbish, food waste, chemicals, animal waste or oil cans, which are also considered illicit discharges.
- C. Any person causing an illicit discharge to the MS4 may be required to pay for the cost of clean-up and remediation.
- D. Any owner of any private property from which a non-storm water discharge is observed may be required to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.
- E. The following non-storm water discharges are not considered illicit discharges:
1. Discharges determined by the executive officer not to be significant sources of pollution, including but are not limited to: natural springs and rising ground water; flows from riparian habitats or wetlands; stream diversions, permitted by the State Board; and uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)]; reclaimed and potable landscape irrigation runoff; potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices); drains for foundations, footings, and crawl spaces; air conditioning condensate; dechlorinated/debrominated swimming pool discharges; dewatering of lakes and decorative fountains; non-commercial car washing by residents or by non-profit organizations; and sidewalk rinsing.
  2. Discharges specifically allowed under a separate NPDES permit, including but not limited to, a general industrial storm water activity permit or general construction storm water activity permit. (Ord. 989 § 1 (part), 2002)

#### **16.04.040 Illicit connections.**

- A. No person shall maintain or intentionally use a connection that operates to convey an illicit discharge to the municipal storm water system.
- B. Upon discovery of an illicit connection, the person owning or operating such connection shall either remove it or render it incapable of conveying an illicit discharge.
- C. If any person fails to eliminate an illicit connection after being called upon by the city to do so, the city administrator or the director of public works or his/her designee(s), shall impose appropriate measures to remove or disable the illicit connection and may recover the costs from the owner of such illicit connection. (Ord. 989 § 1 (part), 2002)

#### **16.04.050 Reduction of pollutants in runoff.**

- A. No person shall cause or threaten to cause the discharge of pollutants to the MS4 by exposing such pollutants to storm water runoff. (Ord. 989 § 1 (part), 2002)

#### **16.04.060 Control of pollutants from commercial facilities.**

- A. Subject commercial facilities shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made pursuant to the municipal NPDES permit, as called for more particularly in the city's storm water quality management program, or any revisions made thereto. (Ord. 989 § 1 (part), 2002)

#### **16.04.070 Control of pollutants from industrial activities.**

- A. It shall be a violation of this chapter for any industry in the city that is subject to waste discharge requirements specified in the SWRCB Water Quality Order No. 97-03-DWQ, Permit No. CAS00001, any revision or re-issuance thereof, to operate without a general industrial activities storm water NPDES permit.

B. Industries that require a general industrial activities storm water NPDES permit shall retain on-site the following documents: (i) a copy of the notice of intent for general permit to discharge storm water associated with industrial activity; (ii) a waste discharge identification number issued by the SWRCB; and/or (iii) a storm water pollution prevention plan and monitoring program plan.

C. Any industry in the city requiring a general industrial activities storm water NPDES permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents described in subsection B of this section. (Ord. 989 § 1 (part), 2002)

#### **16.04.080 Control of pollutants from other industrial facilities.**

A. Industrial facilities not subject to the general industrial activities storm water NPDES permit but subject to pollution control requirements under the municipal NPDES permit, shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made pursuant to the municipal NPDES permit. (Ord. 989 § 1 (part), 2002)

#### **16.04.090 Control of pollutants from state permitted construction activities.**

A. No person shall be granted a grading permit or shall commence or continue any construction activity that is subject to a general construction activity storm water NPDES permit without showing proof of having applied for such permit.

B. Any person engaged in a construction activity requiring a general construction activity storm water NPDES permit shall retain at the construction site the following documents: (i) a copy of the notice of intent to comply with terms of the general permit to discharge water associated with construction activity; (ii) a waste discharge identification number issued by the SWRCB; (iii) a storm water pollution prevention plan and monitoring program plan for the construction activity requiring the construction permit; and (iv) records of all inspections, compliance and non-compliance reports, evidence of self-inspection and good housekeeping practices.

C. Any person engaged in a construction activity in the city requiring an NPDES general construction storm water activity permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents specified in subsection B of this section and shall retain said documents for at least three years after completion of construction. (Ord. 989 § 1 (part), 2002)

#### **16.04.100 Control of pollutants from other construction activities.**

A. Any person engaged in a construction activity that is not subject to the general construction storm water activity NPDES permit, but is subject to the municipal NPDES permit, shall comply with all requirements specified in the storm water management quality program, including any revisions made thereto. (Ord. 989 § 1 (part), 2002)

#### **16.04.110 Control of pollutants from new developments/ redevelopment projects.**

A. Prior to the construction of a new development or redevelopment project, the subject project shall be evaluated for its potential to discharge pollutants to the MS4, based on its intended land use and other considerations. Such evaluation shall be conducted in accordance with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's storm water quality management program, including any revisions made thereto.

B. Once a new development or redevelopment project has been evaluated for its potential to discharge pollutants to the MS4, the city shall require appropriate BMPs to be installed during construction for implementation following project completion. The prescription of such BMPs shall be in keeping with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's storm water quality management program, including any revisions made thereto. (Ord. 989 § 1 (part), 2002)

#### **16.04.120 Enforcement--Authority.**

- A. The director of public works, the city engineer, and duly authorized representatives thereof, are hereby authorized and directed to enforce all provisions of this chapter.
- B. Nothing in this chapter precludes a local authority from using regular full-time employees to enforce this chapter. This authority shall be in addition to the authority granted to police and code enforcement officers.
- C. Fees to be charged for plan checking, inspection, enforcement and any other activities carried out by the city shall be specified by resolution of the city council. (Ord. 989 § 1 (part), 2002)

#### **16.04.130 Enforcement--Right of entry and inspection.**

- A. The director of public works, city engineer, or duly authorized designee thereof, may, on twenty-four hours' oral or written notice, unless exigent circumstances justify a shorter time period, enter upon and inspect any private premises for the purposes of verifying compliance with the terms of this chapter and perform any duty imposed upon the officer by this chapter, provided that:
  - 1. If such building or premises is occupied, he or she shall first present proper credentials and request entry.
  - 2. If such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or occupant of the building or premises and request entry. In the event that a request for entry is refused, the officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- B. Such inspection may include, but is not limited to:
  - 1. Identifying products produced, processes conducted, chemicals and materials used, stored or maintained on the subject premises;
  - 2. Identifying points of discharge of all waste water, non-stormwater, processed water system and pollutants;
  - 3. Investigating the natural slope of the premises, including drainage patterns and man-made conveyance systems;
  - 4. Establishing location of all points of discharge from the premises, whether by surface runoff or through a storm drain system;
  - 5. Locating any illicit connection or illicit discharge;
  - 6. Inspecting a vehicle, truck, trailer, tank or other mobile equipment;
  - 7. Inspecting all records of the owner or occupant of public or private property relating to chemicals or processes presently or previously stored or occurring on the property, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, pollution prevention plans, state general permits, storm water pollution prevention plans, state general permits, storm water pollution prevention plans, and any and all records relating to illicit connections, illicit discharges, or any other source of contribution or potential contribution of pollutants to the municipal storm drain system;
  - 8. Inspecting, sampling and testing any area runoff, soils area (including groundwater testing), process discharge, materials with any waste storage area (including any container contents), and/or treatment system discharges for the purpose of determining the potential for contribution of pollutants to the municipal storm drain system;



9. Inspecting the integrity of all storm drain and sanitary sewer systems any connection to other pipelines on the property, including the use of dye and smoke tests, video surveys, photographs or videotapes, and the taking of measurements, drawings, or any other records reasonably necessary to document conditions as they exist on the premises;
10. Installing and maintaining of monitoring devices for the purpose of measuring any discharge or potential source of discharge to the municipal storm drain system;
11. Evaluating compliance with this chapter or the Clean Water Act. (Ord. 989 § 1 (part), 2002)

#### **16.04.140 Enforcement--Violations and penalties.**

A. The director of public works, city engineer, or duly authorized representatives may serve notice of violation upon a person owning or occupying a premises, describing the violations and requiring prompt correction thereof, when:

1. Pollutants or potential pollutants are being maintained, discharged or deposited in such a manner as to create, or if allowed to continue will create, any one or more of the following conditions: (a) a public nuisance, (b) a menace to the public safety, (c) pollution of underground or surface waters, (d) damage to any public sewer, municipal storm sewer system, or public or private property.

2. The person has failed to respond or comply with a previous notice of violation within the time period specified in the notice.

B. Failure to comply with a duly served notice of violation shall constitute a willful violation of this chapter.

C. The city manager, director of public works, or duly authorized representatives may serve a cease and desist order upon a person owning or occupying a premises, requiring the person to immediately:

1. Discontinue any illicit discharge, including process water, wastewater or pollutant discharge to the MS4;

2. Block or divert any flow of water from the property, where the flow is occurring in violation of any provision of this chapter; and

3. Discontinue any other violation of this chapter.

The cease and desist order may contain terms and conditions or other provisions to ensure compliance with this chapter.

D. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction is punishable by fine not exceeding one thousand dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. As a part of any sentence or other penalty imposed, or the award of any damage, the court may also order that restitution be paid to the city or any injured person, or, in the case of a violator who is a minor, by the minor's parent or lawfully designated guardian or custodian. Restitution may include the amount of any reward.

E. The city attorney is also authorized to file in a court of competent jurisdiction a civil action seeking an injunction against any violation or threatened or continuing violation of this chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the city for all costs incurred in enforcing this chapter, including costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by or at the expense of the city, and may include all legal expenses and fees and any or all costs incurred relating to the restoration or remediation of the environment.

F. Each separate discharge in violation of this chapter and each day a violation described in this chapter exists, without correction, shall constitute a new and separate violation punishable as a separate criminal offense and/or civil violation.

G. Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be

subject to the sanctions of those acts, including civil and criminal penalties. In addition, the city attorney is authorized to file a citizen's suit pursuant to the Clean Water Act, seeking penalties, damages and orders compelling compliance and appropriate relief.

H. The penalties and remedies established by this chapter shall be cumulative.

I. Any person violating the provisions of this chapter shall reimburse the city for any and all costs incurred by the city in responding to, investigating, assessing, monitoring, treating, cleaning, removing, or remediating any illicit discharge or pollutant from the municipal storm drain system; rectifying any illicit connection; or remediating any violation of this chapter. Such costs to be paid to the city include all administrative expenses and all legal expenses, including costs and attorneys' fees, in obtaining compliance, and in litigation including all costs and attorneys' fees on any appeal. The costs to be recovered pursuant to this section shall be recoverable from any and all persons violating this chapter.

J. The city shall have full power and authority to take any necessary precautions including, but not limited to, decontamination, storm drain closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent an imminent hazard to the public's health, safety or welfare. In the event any violation of this chapter constitutes an imminent danger to public health, safety, or the environment, the director of public works, city engineer or any authorized agent thereof, may enter upon the premises from which the violation emanates, abate the violation and danger created to the public safety or the environment, and restore any premises affected by the alleged violation, without notice to or consent from the owner or occupant of the premises. An imminent danger shall include, but is not limited to, exigent circumstances created by the discharge of pollutants, where such discharge presents a significant and immediate threat to the public health or safety, or the environment.

K. Notwithstanding any other provisions herein, violations of this chapter may further be deemed to be a public nuisance, which may be abated by administrative or civil or criminal action in accordance with the terms and provisions of this code and state law. All costs and fees incurred by the city as a result of any violation of this chapter which constitute a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Government Code Sections 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Government Code Section 38773.1. The city attorney is authorized to collect nuisance abatement costs and enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the premises in accordance with the conditions and requirements of Government Code Section 38773.5.

L. Any remedies provided to the city in this chapter are not exclusive, and the city may utilize any and all other remedies as otherwise provided by law.

M. Compliance by any person or entity with the provisions of this chapter shall not relieve any such person or entity from complying with other applicable local, state or federal statutory or regulatory requirements. (Ord. 989 § 1 (part), 2002)